

**Statement
of the
National Air Transportation Association**

**before the
Subcommittee on Aviation,
Committee on Transportation and Infrastructure,
U.S. House of Representatives:**

**Field Hearing on Opening
Ronald Reagan Washington National Airport
To General Aviation**

March 16, 2004

**Signature Flight Support Hangar
General Aviation Terminal, Hangar 7
Ronald Reagan Washington National Airport
Washington, DC**

**Appearing for NATA:
James K. Coyne, President**

Mr. Chairman and Members of the Subcommittee:

Thank you for this opportunity to appear before you to discuss non-scheduled operations at Ronald Reagan Washington National Airport (DCA). My name is James K. Coyne and I am president of the National Air Transportation Association (NATA). NATA, the voice of aviation business, is the public policy group representing the interests of aviation businesses before the Congress, federal agencies and state governments. NATA's over 2,000 member companies own, operate and service aircraft and provide for the needs of the traveling public by offering services and products to aircraft operators and others such as fuel sales, aircraft maintenance, parts sales, storage, rental, airline servicing, flight training, Part 135 on-demand air charter, fractional aircraft program management and scheduled commuter operations in smaller aircraft. NATA members are a vital link in the aviation industry providing services to the general public, airlines, general aviation and the military.

NATA member companies continue to be proactive in their commitment to doing all they can to maintain the safety and security of their employees, their customers, passengers, aircraft, baggage and cargo.

In September of 2001, the NATA Business Aviation Security Task Force was formed to develop "best practice" guidelines for fixed base operators, air charter companies, aviation maintenance providers and flight training schools. The Task Force issued a series of security recommendations that it encouraged aviation businesses, their customers and tenants to adopt. These recommendations included background checks for all employees with access to aircraft; implementation of security procedures including designation of a corporate security coordinator, posting of emergency numbers and a security mission statement; vehicle verification and escort; and identification and escorting of all flight crew and passengers.

In addition to the Task Force's recommendations, the association has released its *General Aviation Security Guide*. This comprehensive guide and CD-ROM provide recommended security measures to be incorporated by fixed based operations, line service, aircraft charter companies, maintenance and avionics service providers, flight schools, cargo handlers and other general aviation service entities operating at an airport.

NATA has also been an active partner with government, working with the TSA at every opportunity to address security concerns. NATA has served as a member of the Aviation Security Advisory Committee for many years and was an active participant as the TSA struggled to address general aviation airport security.

The Challenge

The 2001 terrorist attacks have resulted in the greatest challenges ever posed in the 100-year history of powered aviation. Many of these challenges have been answered and resulted in a more secure industry. However, the greatest unresolved challenge is the continuing travesty taking place at this nation's capital airport. By this I am referring to the continued exclusion of non-scheduled, commercial air carrier (air charter) and general aviation operations at Ronald Reagan Washington National Airport. Today, DCA remains closed to charter and general aviation operations not because of the events of 9-11, but because of the federal government's inability to work with industry to ensure that a process is put in place to allow these classes of operations to return to activity. Put simply, the bureaucratic process has taken away the freedom to fly to our nation's capital.

Fair & Equitable Access by a More Secure Mode

The closure of Ronald Reagan Washington National Airport to all but airline operations unreasonably and unlawfully discriminates against an important sector of the aviation industry: non-scheduled, commercial air carriers. DCA is a publicly funded airport – bought and paid for with federal tax dollars – and the FAA’s own rules recognize an equal level of access for all operators at publicly funded airports. Those rules are being violated.

DCA is the only airport with direct and immediate access to the nation’s capital. It is disingenuous to say that Dulles and other area airports can provide the same level of convenience as DCA. DCA is the airport of choice for civic and industry leaders to gain access to their elected federal representatives.

The closure of our nation’s capital airport to non-scheduled, commercial air carriers is even more incredulous because this class of operation is arguably a more secure mode of air transportation than the airlines when considering the new security requirements imposed upon them by our federal government.

Twelve-Five Standard Security Program

As I sit before you today, there is still not one restriction that has been implemented since the September 11th attacks that considers the ability or willingness of operators to comply with specified, reasonable requirements to ensure the security of that operation. This is ironic as the Aviation and Transportation Security Act (ATSA) included a provision directing the Transportation Security Administration to develop regulations implementing security programs for non-scheduled, commercial air carriers. These regulations, popularly known as the “Twelve-Five” and the “Private Charter” rules, became effective on April 1, 2003, and establish state-of-the-art protocols for non-scheduled, commercial air carriers to enhance what is arguably the most

secure mode of air transportation today. NATA is proud to have played an integral part in the implementation and rollout of the Twelve-Five Standard Security Program and commends the TSA for its efforts in making the program an authentic aviation security success.

However, even with the program's success, operators have yet to realize any benefit from their extensive – and expensive – compliance efforts. Put simply, even though these operators have in place a government-approved security program equivalent to, if not more secure than, those employed by scheduled commercial air carriers, the federal government still treats all non-scheduled operators alike. This parity includes banning non-scheduled commercial air carriers from certain airspace or grounds them altogether on the slimmest of suspicions that someone, somewhere could possibly use an aircraft to commit a terrorist act. These Twelve-Five operators have invested hundreds, if not thousands, of man-hours to comply with security mandates and yet are treated *exactly* the same as operators without security programs. This “one-size-fits-all” treatment of non-scheduled commercial air carriers as threats to national security must end.

Continued Restrictions With No Financial Relief

Immediately after the attacks on New York and the Pentagon, the Federal Aviation Administration grounded all aircraft within our nation's air transportation system. Two days after September 11, 2001, the airlines were permitted to resume operations at many of this country's commercial airports. Within weeks, Congress awarded the airlines \$15 billion to recover losses incurred due to this grounding.

However, the return of charter and general aviation was phased in at a slow pace, with very little concern for the financial well-being of the industry. And while thanks to the leadership of this

Subcommittee, \$100 million has been authorized to assist suffering general aviation businesses, to date no tangible financial assistance has been given to those entities.

In the current environment – war in Iraq and an elevated terrorist threat level – restrictions still remain, especially in the Washington metropolitan area. For the majority of the charter and general aviation industry, these restrictions pose a relatively simple operational consideration. For others – banner towing operations, electronic newsgathering, aeromedical flights and private and commercial operators of simpler aircraft – the restrictions threaten their very existence. The problem, simply stated, is that the federal government insists on imposing blanket restrictions on all types of non-scheduled (i.e., non-airline) flight operations, often with little advance warning. What is truly disconcerting about these restrictions is that they come based upon a threat that is regularly referenced by this federal government but never identified.

Broken Promises on Re-Opening DCA

Approximately one month after the September 11th attacks, a phased-in plan to reinstate scheduled commercial service to DCA was implemented. By the time the third phase began in December 2001, the airline operations at DCA had returned to 77% of their pre-September 11, 2001 levels. Throughout this period, the charter and general aviation industry were continually promised by officials at the Department of Transportation and the FAA that after the airlines returned to service non-scheduled operations would be next. However, ATSA was then approved by Congress and signed into law creating the TSA. FAA deferred to the TSA to complete the process that it had begun allowing all classes of operations to resume at DCA. After the TSA was created, several months passed before a plan was initiated to allow non-scheduled operations to return to DCA by late Spring/early summer of 2002. After months of meetings and dialogue between industry and the DOT, FAA and TSA, it appeared that non-scheduled operations would finally resume. However, just days before regulations permitting

operations at DCA were expected to be released, industry was informed that this nation's capital airport would remain closed to non-scheduled operations indefinitely.

Following is a more complete chart displaying a timeline of events at DCA since September 11, 2001:

Summary of Activity Surrounding DCA

Date	Action
September 11, 2001	In response to the terrorist attacks, the FAA issued a Notice to Airmen (NOTAM) closing the United States Airspace to all aircraft.
September 12, 2001	Beginning on this day, a “staggered” release of diverted passenger flights and repositioning of “stranded” crews and aircraft was allowed. Most scheduled carriers remained on the ground, however, and no new scheduled flights were allowed.
September 13, 2001	<ol style="list-style-type: none"> 1. The FAA issued a NOTAM allowing certificated air carriers (e.g., FAR 121 and 135 operators) to conduct IFR (Instrument Flight Rules) flight operations except within three temporary flight restrictions (TFR) zones surrounding Washington DC, Boston and New York City. Nearly all other general aviation operations (e.g. Part 91) were still prohibited in U.S. airspace. 2. DCA remained closed to all air traffic.
September 16, 2001	Mail, parcels and other cargo were again allowed onto scheduled passenger flights.
October 4, 2001	On this date, scheduled airline flights from eight hub airports were allowed to begin service to DCA under a phased-in plan announced by the President.
October 26, 2001	Phase II of the DCA reopening plan begins. Operations to DCA from 26 scheduled airline hub airports are permitted.
December 21, 2001	<ol style="list-style-type: none"> 1. The FAA issued a NOTAM eliminating remaining airspace restrictions for all non-airline operations at 30 locations (most major cities) throughout the U.S. With the exception of continuing restrictions at Washington DC, New York City and Boston and other, temporary limitations on non-scheduled flight operations, this action eliminated all of the airspace restrictions throughout much of the U.S. that were imposed in the aftermath of September 11th. 2. Phase III of the DCA reopening plan begins. By the time

	<p>this phase is complete, airline operations at DCA will be at 77% of their pre-September 11th levels. No formal announcement regarding a phased-in approach for non-scheduled operations is made; although, the DOT announcement of Phase III concludes with this statement: <i>“Further expansions of flights at DCA will be announced next year.”</i></p>
February 13, 2002	<p>Since September 11th, three small DC-area general aviation airports had been closed to all but emergency traffic due to their proximity to the capital area. The so-called DC-3 airports were able to partially reopen under a new FAA regulation, SFAR-94. Pilots must undergo not only a fingerprint background check, but also must have an exemplary compliance record with the FAA and receive special training on area security procedures. SFAR-94 will remain in effect through at least February 2005.</p>

March 13, 2002	<p>The DOT announces completion of the DCA phased-in program, proclaiming that “full restoration of the nation’s commercial aviation system” had been accomplished. However, non-scheduled commercial operations (like charter operations) were still barred from conducting any activity at DCA. A more accurate statement would have been that the nation’s <i>airline operations</i> had been completely restored.</p>
April/May 2002	<p>The general aviation industry works with the DOT to develop a plan to resume non-scheduled operations at DCA. This process included detailed recommendations for new regulatory requirements necessary for any operation at DCA. NATA and others are briefed on a six-part plan to reopen DCA to general aviation operations. This plan includes advance clearance of passenger manifests by the TSA, screening of passengers and accessible property, securing and physical inspection of aircraft, compliance with DCA Air Traffic Control special flight procedures and security checks on flight-crew members. TSA officials indicated that the plan should be in place by the end of May.</p>
June 2002	<p>The DOT halts development of the regulations discussed in May that would have reopened DCA to operators other than</p>

	the airlines. The DOT publicly stated, “The U.S. Government will delay any implementation of the draft plans while continuing to assess security requirements for general aviation at DCA.”
March 13, 2003	NATA files a petition for rulemaking with the FAA. The petition called on the FAA, as the federal agency prohibiting access to the airport, to initiate rulemaking that would establish the security procedures necessary to operate to and from DCA.
June 2003	<ol style="list-style-type: none"> 1. The FAA denies NATA’s petition for rulemaking to permit DCA access and refers the petition to the TSA. 2. NATA submits security protocol concept to the TSA including specific proposals to permit access to DCA for non-scheduled operations, beginning with those operators with TSA-mandated security programs in place.

The Impact

The fixed base operator serving DCA is Signature Flight Support. Signature Flight Support provides fuel, hangaring, catering and other services to aircraft operators. Aside from brief opportunities where aircraft stranded at the airport following closure of DCA were allowed to depart, as well as a few government aircraft, Signature Flight Support has been closed since September 11, 2001. The Signature Flight Support ramp at DCA was normally at maximum occupancy with aircraft delivering passengers to meetings in the Washington, D.C. metropolitan area. And as you can see by the before and after September 11th backdrops behind you, and the empty hangar that I speak to you in today, we are a far cry from this bustling activity. To demonstrate Signature’s inactivity, below is a comparison of what operations would normally take place as opposed to the current status.

September, 2000 – 2538 arrivals

October, 2000 – 2542 arrivals

January 1, 2000 to September 27, 2000 – 20,079 arrivals

January 1, 2001 to closure on September 27, 2001 – 18,476 arrivals

September 21, 2000 to September 27, 2000 – 663 arrivals

September 21, 2001 to September 27, 2001 – 8 arrivals (*FBI, Customs, US Marshals Service*)

The impact of the restrictions on Signature Flight Support at DCA, as well as on aviation business in general, is profound. For most airport businesses, the bulk of revenue is generated by these private, visual-flight rules flights. Fuel sales have dipped dramatically, along with aircraft rental and maintenance. The economic viability of the airports in the Washington DC area is critical as they also alleviate the burden of traffic to larger commercial airline hubs.

Since the September 11th attacks, Signature Flight Support estimates that its losses total approximately \$18 million annually. Signature also estimates that the restrictions on non-scheduled, commercial air carriers have cost the community surrounding DCA approximately \$30 million including losses by car rental companies, hotels and entertainment venues.

NATA Action to Re-Open DCA

After hearing the continuous promises that more time would lead to the resumption of non-scheduled operations, NATA placed the re-opening of DCA at the top of its agenda.

First, the association filed a petition with the FAA. The petition simply seeks a rulemaking effort at the FAA – based on the TSA’s existing security rules – resulting in a set of regulations allowing non-scheduled commercial air carriers to access Ronald Reagan Washington National Airport using restrictions, procedures and practices equivalent to those employed for scheduled air carriers.

The association then launched an aggressive campaign on Capitol Hill to secure support for its initiative to re-open DCA. To date, almost 60 House and Senate members have sent President Bush, Secretary Ridge and other key federal officials letters encouraging the re-opening of DCA to non-scheduled, commercial air carrier operations. In these letters, Members of Congress specifically acknowledge the secure attributes of non-scheduled, commercial air carriers as well as the injustice in prohibiting them from DCA when their direct competition, the airlines, are granted access. Specifically, the letters state the following:

“Despite industry’s many efforts to convince the nation’s national security apparatus of the security of charter operations and the severe economic impact this continued shutdown is having, DCA remains closed to this segment of the aviation industry. This means that DCA is the *only* airport serving a national capital in the free world at which all such commercial flight operations are banned. It also means that efficient, direct access to Washington is precluded for the huge number of communities throughout the U.S. that lack any other form of commercial air service.

Non-scheduled air carrier operations at DCA generate an estimated \$50 million a year in direct economic activity from charter revenue, aircraft handling and refueling services. Additionally, with no charter passengers coming into the city, hotels, restaurants and other service businesses near DCA have suffered a significant economic impact.

Beginning April 1, 2003, per the Aviation Transportation Security Act that Congress signed into law in November 2001, all non-scheduled air carriers that operate aircraft weighing 12,500 pounds or more have in place a comprehensive security program equivalent to those for the scheduled airlines. Recognizing this, a formal petition was recently filed with the FAA asking the agency to develop rules under which non-scheduled commercial air carriers may once again serve DCA. The petition, docket FAA-2003-14700, was filed by the National Air Transportation Association and seeks a rulemaking process to identify and put into place the regulatory means by which these operators may once again provide service to and from this critical airport.

We believe it is imperative that you formally recognize the level of security that these non-scheduled air carriers have attained by immediately allowing them access back into our nation's capital airport under fair and reasonable terms."

Attached to our testimony are these letters of support. Many of you on this panel are part of this large group expressing their strong support of our initiative and we thank you for that backing.

NATA was also pivotal in securing language, thanks in large part to this Subcommittee's support of it, that requires the Department of Homeland Security (DHS) to develop and implement a security plan to permit general aviation aircraft to land and take off at DCA. The FAA is required to allow general aviation aircraft meeting the requirements of this security plan to operate in and out of DCA.

In June 2003, NATA submitted a suggested protocol leading to the reopening of DCA to general aviation to the TSA. DCA Protocol (DCAP) responds to the TSA's specific request for additional material on the topic of re-opening DCA to charter and general aviation traffic. Under all aspects of the plan proposed by NATA, all aircraft must be U.S.-registered, have two-pilot crews and all crews must successfully pass a fingerprint-based CHRC. The four-phased approach is summarized below:

Phase I

The initial phase is limited to approximately six certificated non-scheduled commercial (charter) operators. All candidates must meet or exceed (e.g. the Private Charter Rule) the TSA's Twelve-Five Rule. All flights into DCA must depart from "portal" airports at which TSA-approved personnel will conduct pre-boarding screening of all crew and passengers. During Phase I, aircraft types would be limited to those with a flight deck isolated from the passenger cabin.

Phase II

Similar to Phase I, this phase expands the program to include all operators complying with at least the TSA's Twelve-Five Rule. Expansion to Phase II would occur after sufficient experience is gained with Phase I.

Phase III

In Phase III, non-commercial (Part 91) operators complying with the TSAAC or similar programs would be allowed access to DCA under the same procedures (pre-boarding screening, etc.) as employed for Phases I and II.

Phase IV

In the final phase, all non-scheduled, non-commercial operators would be allowed access to DCA under regulations and procedures similar to those presently imposed under SFAR 94. SFAR 94 establishes the requirements necessary to operate to and from three airports in the immediate vicinity of the capital area, known as the "DC-3" airports. Additionally, single-pilot (and single-occupant) operations would be allowed.

The Bureaucratic Process

One of the most frustrating aspects of this situation is the federal government's inability to consider and approve our continued efforts to address its security concerns about charter operations. This includes certain federal agencies' reluctance to even sit down at the table to initiate discussions.

It is important to note that throughout this process, the TSA and the FAA have been extremely cooperative and willing to work with NATA and its efforts to re-open DCA. However, it appears that one of the major hindrances towards re-opening our nation's capital airport are those agencies within our federal government that exist at higher levels than the TSA and the FAA.

The DCAP proposal outlined above has been residing at the DHS for several months now with no action. Members of Congress who have placed calls and conversed directly to Secretary Ridge encouraging action on our initiatives have remained unanswered.

It remains unclear why industry and this Congress continue to be stonewalled by the upper levels of this government that have decision-making authority over DCA. However, one can allude to the age-old bureaucratic adage that when a high profile issue arises no one is willing to accept responsibility or accountability for making a decision. The decision to re-open DCA to non-scheduled operations appears to be one such issue.

Whatever the case may be, it is critical that this Subcommittee, and Congress overall, continue to weigh in with as much political pressure as possible to ensure that this critical airport is re-opened.

Conclusion

With your help, we are optimistic that our simple request for a rulemaking leading to at least the restoration of non-scheduled commercial air carrier access to this very important airport will be implemented in the near future. This action would also ease the heavy financial burdens that the businesses at DCA and the tourism industry in and around the Washington, D.C. metropolitan area have borne for the last 30 months.

NATA members are fully prepared to meet whatever reasonable security requirements are necessary to operate at DCA, including pre-screening, isolated cockpits and cabins on aircraft where that is feasible, and having a law enforcement officer on board. Just as with the scheduled airlines, the federal government must find a way to restore non-scheduled commercial charter operations at DCA and not let terrorists disrupt normal trade, transportation and everyday activities.

This restriction on flights with no identified threat as the result of actions of the federal government – with a local government doing their best to make things even more challenging – argues for Congress to step in to recognize and minimize the impact. As always, the National Air Transportation Association stands ready to assist you in this task. Thank you again for the opportunity to come before you today. I am happy to respond to any questions or comments.